

The News-Scimitar

PUBLISHED BY THE MEMPHIS NEWS-SCIMITAR COMPANY

Entered as Second-Class Matter at the Postoffice at Memphis, Tenn., Under the Act of March 3, 1879.

DAILY EXCEPT SUNDAY

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LAW AND FALLACY

No treaty the United States makes can be higher than the constitution. If congress would ratify the treaty as it is written, and if the supreme court should decide that a paragraph in that treaty was in conflict with our constitution, that paragraph would be null and void.

Senator Johnson knows this—he is a good lawyer. Of course, nobody can change the constitution, or make another to override it, except the people; but Johnson utters his second sentence as an indictment of President Wilson. Every time the United States makes a treaty with a foreign power it loses some of its independence of action. The United States can make contracts just as can an individual. Of course, its contracts are limited by the constitution.—Commercial Appeal.

One statement in the quotation recited from which there will be no dissenting opinion is that Senator Johnson is a good lawyer. He is a rattling good lawyer. He is so sound and logical in the law that he could leave the determination of his standing as a lawyer to an ex parte consideration of the charge of unsoundness based upon the foregoing declaration, that the supreme court has the right to declare null and void a paragraph of a treaty entered into between this nation and another nation, and be reasonably assured of vindication.

The power to invalidate a section of a paragraph of a treaty carries with it the right to declare null and void a treaty in its entirety. We have no record of the supreme court having abolished a treaty.

In defining the powers of the supreme court the constitution says: "The judicial power shall extend to all cases, in law and equity, arising under this constitution, the laws of the United States, and treaties made, and which shall be made, under their authority."

In other words, if it is possible to make it clearer, the supreme court does not pass upon the treaty itself, but upon the rights of citizens of this and other countries guaranteed by treaties.

A treaty is a contract between two nations. It is an agreement made in good faith. The constitution says of the power of the president in this regard: "He shall have power, by and with the advice and consent of the senate, to make treaties, provided two-thirds of the senators present concur."

The supreme court does not assume jurisdiction over treaties and determine whether they shall stand or fall, for the reason that the jurisdiction of the supreme court does not extend to any other country.

The fallacy of saying that the supreme court of the United States can declare a treaty or a paragraph of a treaty null and void is apparent when it is considered that the high court of any nation with which this country has a treaty has the same power, so far as that country is concerned, as the supreme court of the United States has in this country.

The constitution places no limitation upon the treaty-making power. Even if the supreme court, with its increasing disposition to assume authority over all things, should declare a paragraph of a treaty null and void, there would be no obligation on the part of any other nation to observe its construction.

Assuredly the supreme court of the United States has no right to repudiate a contract entered into between this nation and another nation, and if a question of validity or meaning of a treaty should arise it would not go to the supreme court for determination, but would be submitted to a court of arbitration. If arbitration were not successful then war would be the only alternative. The supreme court speaks only for the United States, and a treaty is an agreement between two nations.

We are so firmly of the opinion that Senator Johnson is right that we are willing to back our judgment with a wager to the extent of an option on a pair of shoes and leave it to the Commercial Appeal's expert on international law.

LAW AND LAWLESSNESS

The killing of O. R. Webster, deputy United States marshal, and Will Smiddy, in the heart of the uptown district, was the culmination of the intermittent contests between organized law and organized lawlessness.

Webster was a good officer. He was the kind of officer that the law-defying element is bent upon getting rid of. That more officers are not killed, perhaps is due to the fact that so few of them are of the type of Webster.

Will Smiddy was known to be liberal with his ill-gained money. He could afford to be generous. He merely helped the children of the families that men of his kind made destitute. He was regarded by some as the successor to "the king of the bootleggers," that so many men of prominence in Memphis have endeavored to have pardoned, and seemed to enjoy a special immunity from police interference which in the end, as it proved, was the worst thing that could have been done for him. No doubt the big pistol he carried as he brushed shoulders with the police had something to do with the extraordinary consideration he received at their hands.

THE FAIR

One who has never visited the Tri-State fair might be disposed to regard the announcement, made annually for the past several seasons, that it is "bigger and better than ever," as a species of circus advertising; but those who have kept up with its progress and development know the statement is literally true. The fair this year is of tremendous interest to every intelligent farmer and business man in this section. It is a liberal education in live stock, agriculture, domestic science, horticulture and every other enterprise that thrives so bountifully in this territory with a little attention. Mr. Fuller and his associates have done a splendid work in arranging the program, and the fair deserves the liberal patronage of everyone.

If the president only could say what he thinks of the senators who are standing in the way of the league of nations we don't believe there is one of them who would need an interpretation of his meaning.

The murdered deputy marshal "fell into the arms of a policeman," says a news story, indicating how alert our officers are. Except for his presence the dead man might have fallen to the street.

When Senator Sherman and Senator Williams get through speaking against the president and for him there isn't anything to be added to criticism or adulation.

The peace treaty finally came from the committee on foreign relations after being lodged for quite a while.

That Guiltiest Feeling—By Briggs

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News of Memphis

26 Years Ago

Twice Told Tales

News of Memphis

10 Years Ago.

SEPTEMBER 20, 1903.

It is rumored that the Hope night school, one of the most valued institutions in Memphis, is to be discontinued.

The Shelby County Democratic club, it is said, will take no hand in the city municipal election as a club, leaving the members to take what sides they desire individually.

George Hassinger entered the race for mayor against J. J. Williams and Lucius Clapp.

Jim Dennigan, "Tenor of Goat Hill," who was found guilty and sentenced to three years in the penitentiary, was released on bond pending his appeal.

Britton, the young blacksmith who probably fatally shot Will Kennedy, has been released on bond.

Lord Alfred Spencer Churchill, the great uncle of the duke of Marlborough, is dead in London at the age of 65 years.

The Appeal Publishing company, publishers of the Appeal-Avalanche, assigned for the protection of its creditors, the debt amounting to \$15,445.

Robert J. Morgan and Andrew D. Gwynne were made trustees.

SEPTEMBER 20, 1909.

New Orleans and the Gulf coast were struck by a severe tropical storm, many lives being lost and much property damaged.

Among the state-wide who left for the state-wide conference to be held in Nashville were the Rev. W. B. Thompson, J. M. Ward, Thomas B. King, J. T. Pugh, G. W. McKinney, W. T. Watkins and Robert F. Malone.

J. W. Proudfit has been elected president of the State Savings bank to succeed the late J. D. Montandon.

Miss Agnes Thomas has returned from the East.

Miss Martha Lanier has gone to Nashville to resume her studies at Vanderbilt university.

Little Miss Myrtle Lockett, who has been visiting her grandmother, Mrs. W. P. Spencer, on Federal avenue, has returned to her home in Birmingham.

Mr. and Mrs. J. P. O'Connell have returned from the city of St. Joseph, Mo., where they visited Mr. and Mrs. M. J. Seale, Joseph Seale has also returned from St. Joseph.

Miss Mildred Gowan, of Bartlett, has as her guest Miss Naomi Merrill, of Memphis.

MAJOR STONE TO SPEAK AT COURT SQUARE SUNDAY

The first of a series of sermons dealing with present-day conditions will be delivered by Rev. Dr. Chas. H. Williamson, pastor of the First Presbyterian church, on Sunday morning at 11 o'clock. The causes of the prevailing unrest and unhappiness and the moral consequences will be discussed in this sermon.

On Sunday night at 8 o'clock, at the regular Court square meeting, conducted by Rev. Dr. Chas. H. Williamson, Maj. Leo A. Stone, M. D., has consented to be present and speak on the topic, "The Body as Temple of the Holy Spirit."

Dr. Williamson will preside, opening the service and introducing Maj. Stone.

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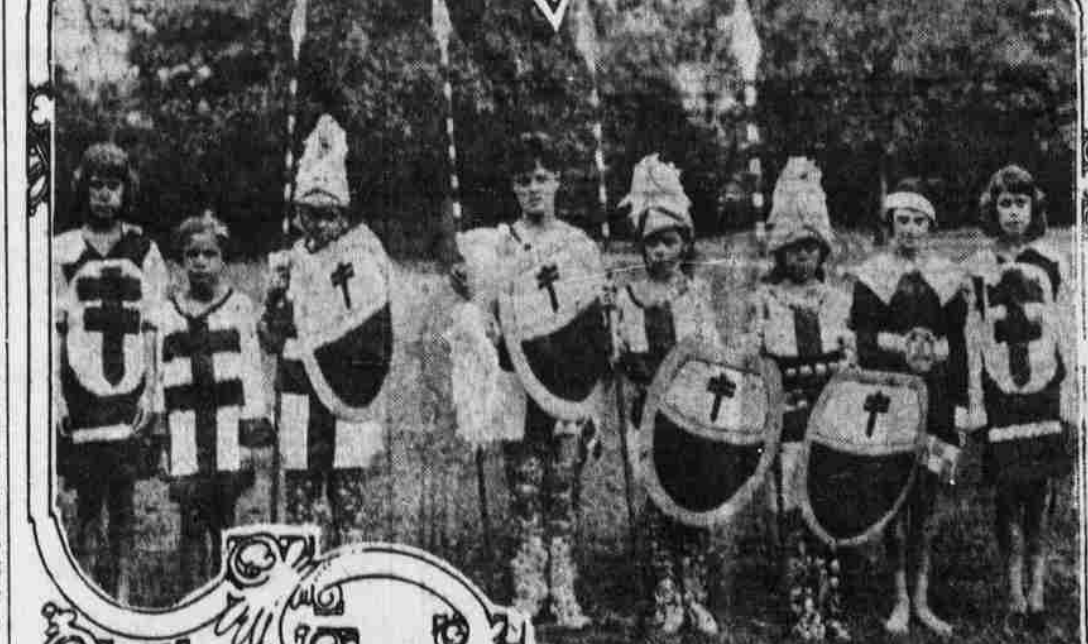
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PLAYGROUNDS CHILDREN WILL PORTRAY HOW TO CONQUER DISEASE IN "HEALTH CRUSADE"



Upper picture, Jake Scharr, as Sir Lancelot, with Margaret and Mildred Gates as Spik and Span, his jacks; John Hill, Greaser, Jack Gardner and Lawrence Cooper, his four knights.

Lower picture, Sabette Scharr, as Excalibur, with Neil Bradley, Eugene Seemings, Mary Singleton and Fairy Smith, attendants.

and takes the form of a spectacle of music, which will give splendid opportunity for the display of historic talent on the part of the big cast.

Children of the Rosell school, Forrest park, with their Market square playgrounds associations are requested to be at the various playgrounds at 2:30 Saturday afternoon, having supper beforehand. They will then be conveyed to the fairgrounds in motor cars furnished by the Kiwanis club. The children will be dressed at the day nursery at the fairgrounds by competent members of a committee named for that purpose.

All children wearing knightly livery and costumes in the health crusade are to be admitted free to all the fair attractions Saturday.

To the resonance of well-modulated male voices, chanting the choruses, to the clashing of cymbals and the sounding of brass, to the lifting songs of fair maidens, accompanied with shriller counter harmony of the shouts of happy children, the gospel of good health will be exemplified in pageantry before a crowd at the Tri-State fairgrounds, amphitheater Saturday night at 8 o'clock, by a cast of 250 persons, mostly children.

Splendid costumes, beautiful choruses and wealth of action are promised by the good women of the Anti-Tuberculosis society and the War Camp Community service, to whose efforts the staging of the pageant is due. It will be admitted free to all the fair attractions.

be styled "The Good Health Crusade."

Read News-Scimitar Wants.

WRONG NEGRO SHOT BY CITIZEN POSSE

"Big George" Sought by Eight Householders Who Shoot Another Black.

The battle between "Big George," Charlie Paine, burly negro, and Albert Wickham, or the latter's farm near Egypt, several days ago, culminated in a pitched battle early Friday morning between citizens of the neighborhood and a negro, according to reports from Raleigh.

The citizens, who had been deputized to serve a warrant of arrest to capture "Big George," Paine, by Justice Albert Paine, nephew of Wickham, were scouring the country for the negro.

"Big George" when they mistook Brooks for their man and called on him to halt. Instead of halting, Brooks, the report says, whipped out a revolver, fired at the men and ran. He was brought down by a charge of shot and fell in a ditch. He is not seriously injured, it is said.

"Big George," the citizens of Egypt neighborhood say, is still in hiding in the vicinity and is considered a dangerous negro. He is said to be armed with three revolvers and plenty of ammunition.

The trouble began when Wickham caught "Big George" in his watermelon patch. Shots were exchanged. Later Theodore Noss and the negro exchanged a number of shots, but the negro escaped. His body and horse were captured.

Officers of the sheriff's office and the deputized citizens are seeking to capture "Big George" alive, if such a thing is possible. If located his desperate character may make summary action necessary, it is feared.

"Big George" has been leader in many disorders the neighborhood and said to have made his living by stealing only and is a general all-round disturber.

Exploit Mississippi Valley Possibilities

To sustain a corps of field agents to exploit the opportunities and economic advantages of the Mississippi valley, a fund of \$100,000 will be raised among the membership of the Mississippi Valley association, just concluded at St. Louis this plan was outlined.

The fund in the valley will be divided into zones for the purpose of raising the fund. Zone 1, in which Memphis is included, has been assigned \$7,500. It comprises West Tennessee, a part of Arkansas, Missouri and Kentucky. Meetings and agents will be called at once and plans outlined for the raising of the fund.

At a meeting of the association, which was held at St. Louis, the plan was outlined for the raising of the fund. Zone 1, in which Memphis is included, has been assigned \$7,500. It comprises West Tennessee, a part of Arkansas, Missouri and Kentucky.

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Ye Editor Nods Joins and Jestis Slipped Past The Blue Pencil

TO JIMMIE COAN.

For 60 years he has spread sunshine and the joy of his infectious smile among his fellow men.

He has gone his way, doing what good he could, always looking behind him some person, or persons, for his coming.

The first person he made glad was his mother. That was on Sept. 20, 1859, the day of his birth. He got the habit then, and he never has shaken it. His smile shines with him, as he grew to manhood. As time brought experience it mellowed his heart, and he had his mother's smile.

Time came when the smile was not sufficient outlet for the love of his fellow men. He had to have more in his big, Irish heart.

Then the Jimmie Coan birthday began. Thousands of his friends have taken part in one or more of Jimmie's birthday parties, with their famed barbecues and Brunswick stew.

Sept. 20 of any year does not come without bringing memories of Jimmie. This Sept. 20 marks the passing of three score years of his life.

That famous smile in 60 years old today. But smile and heart never believe it, at a glance.

For it is as infectious, as hearty, as wholehearted, as his smile, as ever was. It still reflects a generous heart and a helping hand.

Here's to you, Jimmie. Long may your light shine.

I'LL SAY SHE DO.

A woman always has a reason for what she does. But sometimes even she can't tell that reason is.

THEY ALL DO IT.

A woman riding in a friend's auto can develop total blindness in a flash while the driver is looking at another woman friend without a car.

FUNERAL.

Another reason we never eat cheese sandwiches any more is the memory of what we used to drink with 'em.

SHUCKS, ED!

Ralph Davis was addressing the court. "If your honor will indulge me for a few moments I wish to make a statement."

"But," said the judge, "you are not a lawyer."

"Certainly, Mr. Davis, go ahead," said Judge J. Ed Richards, of First criminal court.

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